

**REMARKS**

Claims 1-7, 10, 11, 13-22, 24, 40 and 42 will be pending after entry of the foregoing changes to the claims. Applicants propose canceling claims 12, 23 and 41 as suggested by the Examiner. Applicants further suggest amending claim 1 in a manner fairly suggested by the Office Action to overcome the only remaining rejection under 35 U.S.C. § 101.

More specifically, claims 12, 23 and 41 have been objected to under 37 C.F.R. 1.75(c) as allegedly being improper for failing to further limit the subject matter in the previous claim. While a close call, Applicants believe that the claims are unnecessary to obtain the proper scope of protection. Therefore, Applicants propose cancelling these claims in order to render this objection moot.

The Office Action includes a rejection of claims 1-7 and 10-18 under 35 U.S.C. § 101. This response is respectfully traversed. Previously, Applicants had pointed out that claim 1 recited that the "obtaining step" was sufficiently tied to a different statutory category, if in fact such a tie is required to comply with 35 U.S.C. § 101. Applicants note that this proposition of law is currently being contested in the courts. The Examiner's comment suggests that the "obtaining step" "is not explicitly recited as tied to another statutory category that accomplishes the claimed method step" (emphasis in original) and that the "illumination data is obtained around a display device[,] however[,] it is not recited that the actual display device performs such obtaining of data." Applicants submit that claim 1 is proposed to be amended to bring down the preamble of apparatus claim 19 into claim 1, to recite that the obtaining step is carried out in a particular apparatus. Specifically, claim 1, as proposed above, will recite "obtaining, in an apparatus for generating characteristic

data of illumination around the image display device, predetermined illumination characteristic data of illumination around the image display device." Though somewhat redundant, it is believed that this language would clearly cross the threshold for 35 U.S.C. § 101 as articulated in the Office Action. It is respectfully submitted that claim 1 would likely comply with § 101 without this change, but as a practical matter, Applicants are willing to proceed as suggested by the Examiner to expedite allowance.

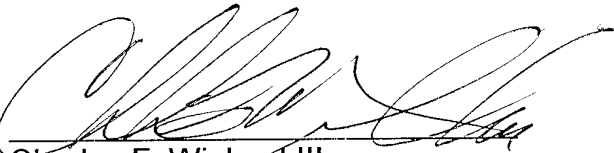
In light of the foregoing, Applicants respectfully submit that the foregoing changes will clearly place the application in condition for allowance and consequently request entry of same. Entry of the foregoing amendments and issuance of a Notice of Allowance are therefore respectfully requested.

Respectfully submitted,

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